

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'13 SEP -5 P5 :33

SENATE
S. No. 1567

RECEIVED: *js*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 24, provides:

The State recognizes the vital role of communication and information in nation-building.

The arrival of the cellular phone in the early 1980s was a turning point in telecommunications. For the first time, people made and received telephone calls without being tied to a specific location. Cellular phones have become an essential part of many Filipinos' lives with the number of cellular phone users increasing daily. However, cellular phone companies have failed to cope with the increasing demand for cellular phone services, and the National Telecommunications Commission has received numerous complaints on poor services by these companies.

This bill seeks to establish minimum standards regarding the quality of mobile phone service and the monitoring of complaints regarding such service.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.



13 SEP -5 P5:33

SENATE
S. No. 1567

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1 AN ACT
2 ESTABLISHING MINIMUM STANDARDS REGARDING THE QUALITY
3 OF MOBILE PHONE SERVICES AND THE MONITORING OF COMPLAINTS
4 REGARDING SUCH SERVICE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

5 SECTION 1. *Short Title.* - This Act shall be known as the "Mobile Phone Subscriber
6 Protection Act."

7 SECTION 2. *Declaration of Policy.* - It is the policy of the State to recognize the vital
8 role of communication and information in nation-building.

9 SECTION 3. *Definition.* - As used in this Act, the term:

10 (A) "Public Telecommunications Entity" or "PTE" means any person, firm,
11 partnership, or corporation, government or private, engaged in the provision of
12 telecommunications services to the public for compensation; and

13 (B) "Commission" means the National Telecommunications Commission.

14 SECTION 4. *Establishment of Standards Regarding Quality of Commercial Mobile
15 Service and Monitoring of Complaints Regarding Such Service.* -

16 (A) *In General.* - The Commission shall, by regulation, establish such requirements as
17 the Commission considers appropriate to ensure that Public Telecommunications Entities meet
18 minimum standards regarding the quality and performance of such service, which shall include
19 standards regarding connection, reception, and billing practices.

1 (B) *Complaint System.* -

2 (1) *Establishment.* - The Commission shall establish and administer a system
3 that makes available a procedure for any subscriber of a commercial mobile
4 service to register a complaint regarding the quality or performance of the
5 service.

6 (2) *Toll-Free Number.* - Such system shall include establishment of a toll-free
7 number applicable to commercial mobile services for reporting a complaint.

8 (3) *Records.* - The Commission shall maintain a record of each complaint made
9 under the system established pursuant to this Act.

10 (4) *Notice.* - The Commission shall require each Public Telecommunications
11 Entity of commercial mobile service to include, in each subscriber's bill for
12 such service, a statement informing the subscriber that a complaint
13 regarding the quality or performance of the service may be registered with
14 the Commission and providing the toll-free number under subparagraph (2)
15 and an address for mailing a complaint. The Commission shall take such
16 other actions as may be appropriate to publicize the availability of the
17 complaint system to subscribers of commercial mobile services.

18 (C) *Reporting of Complaints to Congress.* - The Commission shall submit an annual
19 report to Congress regarding complaints received under the complaint system required under
20 paragraph (B), which shall -

21 (1) Indicate the number of complaints received during the period for which the
22 report is made regarding the service of the Public Telecommunications
23 Entity for which a complaint is made; and

24 (2) Indicate the types of complaints received during such period, including
25 complaints regarding dead spots, dropped calls, network busy signals, and
26 improper billing practices, and the number of each type of complaint
27 received during such period. Upon submission to the Congress of each
28 report under this subparagraph, the Commission shall make such report

1 available publicly through publication in at least two (2) newspapers of
2 general circulation.

3 (D) *Effect on Consumer Protection Laws.* - This paragraph may not be construed as
4 relieving any Public Telecommunications Entities from the obligation to comply with any law,
5 presidential decree or issuance, executive order, letter of instruction, administrative order, rule,
6 or regulation relating to consumer protection or unfair trade.

7 (E) *Rules and Regulations.* - The Commission shall prescribe such rules and
8 regulations as may be necessary to carry out the provisions of this Act.

9 SECTION 5. *Separability Clause.* - If any provision or part thereof is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

12 SECTION 6. *Repealing Clause.* - Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
14 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

15 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,